

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Ido Tuchman, Registration No. 45,924 on 01/29/2009.

3. The following claims had been amended:

Claim 1. A computer implemented method for managing a multi-tiered resource system, the method comprising:

automatically determining if a resource tier is in compliance with a management policy, wherein the management policy includes requiring that an expiration date of the resource tier occur after a maintenance date;

if the resource tier is not in compliance with the management policy, automatically increasing available capacity in containers in order to bring the containers in compliance with the management policy; and

calculating the expiration date of the resource tier, wherein calculating the expiration date of the resource tier includes calculating a life expectancy of each container belonging to the resource tier, and wherein calculating the life expectancy of

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the containers includes adjusting the life expectancy of the containers to account for container lead-time.

Claim 2. The method of claim 1, wherein increasing available capacity in containers includes allocating additional capacity to containers belonging to the resource tier until the resource tier is in compliance with the management policy.

Claim 3. The method of claim 2, wherein allocating additional capacity to the containers includes utilizing a capacity reserve belonging to the resource tier.

Claim 4. The method of claim 2, wherein allocating additional capacity to the containers includes utilizing available capacity from other containers in the resource system.

Claim 5. The method of claim 2, wherein allocating additional capacity to the containers includes allocating additional capacity to containers of higher importance before allocating additional capacity to containers of lower importance.

Claim 6-9. (cancelled)

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Claim 10. The method of claim 1, further comprising if the resource tier cannot be brought in compliance with the management policy, alerting that the resource tier is not in compliance with the management policy.

Claim 11. The method of claim 1, wherein increasing available capacity in containers includes compressing data within the resource tier until the resource tier is in compliance with the management policy.

Claim 12-34. (cancelled)

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH AL KAWSAR whose telephone number is (571)270-3169. The examiner can normally be reached on 7:30am to 5:00pm, EST.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai T. An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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